

REMARKS

I. Status of Claims

Claims 23 to 31 are hereby cancelled without prejudice in response to the Restriction Requirement dated August 18, 2009. Claims 1 to 22 are now pending.

It is respectfully submitted that no new matter was added in this amendment.

II. Restriction Requirement

In the Office Action, the Examiner asserted that the present application contains claims which are directed to the following two distinct inventions and stated that restriction to one of the two inventions is required:

Group I: Claims 1 to 22, drawn to an inhaler apparatus; or

Group II: Claims 23 to 31, drawn to an inhalation device.

In response, Applicants elect, without traverse, Group I (Claims 1 to 22) drawn to an inhaler apparatus. Claims 23 to 31 were related to the invention of Group II and, therefore, were canceled as reading on the non-elected invention. It is respectfully submitted that pending claims 1 to 22 encompass and are readable on the elected invention.


Conclusion

This Response is being submitted in response to the Office Action dated August 18, 2009 in the above-identified application. This Response to the August 18, 2009 Office Action is being filed before the one (1) month statutory period set forth therein, and this Response is being timely filed. It is believed that no fee is due at this time. If it is determined that any additional fee is due in connection with this filing, the Commissioner is authorized to charge said fees to Deposit Account No. 50-0552.

An early and favorable action on the merits is earnestly requested.

Respectfully submitted,

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